

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Friday, February 6, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.

Absent.

Murphy. Real.

Absent—Excused.

Bledsoe.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for committee reports.

Petitions and Memorials.

By Senator Bailey:

Protest of the Kenedy Rotary Club against the passage of S. B. No. 83, being an Act regulating the manner in which cities and towns operate public utilities. * * * Protest of the Kenedy Chamber of Commerce against the passage of S. B. No. 83, an Act regulating the manner in which cities and towns shall operate public utilities.

Special Committee Report.

By Senator Woodward:

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee heretofore appointed on January 22, 1925, in pursuance of Simple

Resolution No. 16, by Senator Price, beg leave to submit to the Senate of Texas our report as follows:

On Thursday, January 22, 1925, the following resolution was unanimously adopted by the Senate:

Simple Resolution No. 16.

By Senator Price:

"Whereas, Her Excellency, Mrs. Miriam A. Ferguson, has been by the people of Texas elected to the office of Governor of said State; and

Whereas, In her campaign before the people, the said Mrs. Miriam A. Ferguson declared that her main purpose in aspiring for said office was to have removed the judgment heretofore rendered by the Senate of Texas against her husband, James E. Ferguson, a former governor, removing him from office and disqualifying him from holding any office of honor, trust or profit under this State; and

Whereas, The opinion has been expressed that the election of Mrs. Ferguson determines that it is the desire of the people of Texas to restore to James E. Ferguson, Ex-Governor, the full political rights enjoyed by him prior to his impeachment and conviction; therefore be it

Resolved, By the Senate of Texas that the President of the Senate be, and he is hereby empowered and requested to appoint a committee of five members of the Senate whose duty it shall be to investigate and report back to the Senate the means or method of procedure whereby the political rights of said James E. Ferguson may be restored to him in keeping with law and the constitution; and be it further

Resolved, That such committee shall during its deliberations invoke the advice and counsel of the Attorney General and of other persons learned in the law and constitution of this State."

Thereafter, and on the—day of January, 1925, in pursuance of said resolution, the President of the Senate appointed as members of said committee the following members:

Price, Russek, Woodward, Ward, Hardin of Kaufman.

In pursuance of said resolution, your committee so appointed has made diligent search of the Constitution and laws of this State, the various other States of the Union, and the United States, and we have been unable to find where a proceeding of this character has ever been presented to any legislature of any State

in the Union, but we do find authority to support the conclusions we reach.

However, and notwithstanding the absence of any proceeding of this character in respect to the matters under consideration, we are of opinion that the Legislature of Texas is vested with the constitutional power to enact by general law an amnesty statute having the effect of restoring full political rights to any person of this State heretofore impeached by the Senate of Texas, and to cancel and remit any and all punishment now being suffered by such person of this State under any such judgment of impeachment.

It is elementary that the law-making body of Texas, to-wit: the Legislature, represents the sovereign power of the people of Texas in the matter of the passage of laws, and it can exercise, perform and cause to be executed and performed the sovereign power of the people of Texas in all cases except where it is limited, restrained or prohibited by some provision of the Constitution of Texas, or in those cases wherein the sovereign power of the people of Texas has been delegated to the Federal Congress.

Section 11 of Article 4 of the Constitution of Texas reads as follows:

"In all criminal cases except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate he may grant pardons in cases of treason, and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor."

A careful examination of the Constitution of Texas fails to disclose any other provision in respect to the power to grant pardons in any case other than as provided in Section 11 of Article 4 of the Constitution of Texas above set out.

By the express provision of Section 11, supra, the Governor is denied the right of power to pardon or grant any other relief whatsoever in cases of impeachment. The power

to pardon in case of impeachment has not been expressly vested in any department of the government, executive, legislative or judicial, nor has any officer of the government been given the power to pardon in impeachment; nor is there to be found in the Constitution any provision which prohibits or attempts to prohibit or limit the right of the Legislature to legislate upon that subject; neither can there be found any delegation of that power to the Federal Congress, nor is there to be found any Act whereby the State has surrendered or delegated that power to the Federal Congress.

Therefore, we conclude that the right and power to grant pardons in impeachment having been the express terms of the Constitution denied the Governor, and the power not having been vested in any other person or tribunal, and there being no constitutional inhibition or prohibition depriving the Legislature of Texas of the right to legislate thereon, and the State not having surrendered this right and power to the Federal Congress, we believe it clearly within the province of the Legislature of Texas to legislate upon the subject, and that the Legislature can exercise constitutional prerogative to legislate upon any subject in all cases except where it is limited, restrained or prohibited by some provision of its own Constitution, or where the power has been delegated to the Federal Congress, and among the subjects, we believe, is the enactment of a general amnesty statute in impeachment cases, and that such statute when so enacted will become a valid and binding law, and would have the effect to restore to any person heretofore impeached the full right of citizenship and the right to hold any public office within the State.

If the above is not correct, then the government of Texas is imperfect and is not complete because the pardoning power with reference to all those who may be impeached is wanting in the government of this State, for the pardoning power is the Christian function of governments.

We therefore suggest and recommend the passage of a general amnesty law, in words and figures, as follows:

A BILL
To Be Entitled

An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceeding, a full and conditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office of honor, trust or profit under the State of Texas, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person against whom any judgment of conviction has heretofore been rendered by the Senate of Texas in any impeachment case, shall be and is hereby granted a full and unconditional release of any and all acts and offenses of which he was so convicted by said Senate of the State of Texas, upon any charge or proceedings of impeachment.

Sec. 2. That any and all penalties or punishment inflicted by or resulting from any such judgment heretofore rendered by the Senate of Texas, in any such impeachment case, including any disqualification to hold any office of honor, trust or profit under said State, shall be, and the same is hereby fully cancelled, remitted, released and discharged.

Sec. 3. Any person coming within the purview of this Act may, should he so desire, apply to the Secretary of State for a copy of this Act and upon such application the Secretary of State shall prepare and deliver to the applicant a copy of this Act duly certified by him and shall make and preserve a record of such application and the delivery of such certified copy, which shall become a permanent record of his office; provided that such application or delivery of a certified copy shall not be necessary in order to render this Act effective, nor shall the failure of any person affected by it to make such application or receive such copy render this Act invalid or inoperative as to any person coming within the purview hereof.

Sec. 4. The fact that the relief of persons from further operation of penalties and punishments inflicted under or by judgments in impeachment cases rendered by the Senate of the State of Texas is a Christian function to be exercised by the Legislature of Texas, and there being no law now in force granting the power to give relief in such cases, creates an emergency and an imperative public necessity which authorizes the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule shall be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

We, a majority of your committee, beg further to report that the conclusions reached and as expressed herein are not to be construed as any reflection upon or condemnation of the action and proceedings of any former Legislature of this State, nor do we question the sincerity of any member of the Legislature of Texas heretofore participating in any impeachment proceedings heretofore presented by the House of Representatives and tried by the Senate of Texas.

Woodward, Russek, Hardin of Kaufman, Ward.

(Minority Report.)

Hon. Barry Miller, President of the Senate.

Sir: As a member of the committee appointed by you under Senate Simple Resolution No. 16, I have been unable to bring myself to the views expressed by my associates of the committee in their majority report, according I respectfully submit this minority report. Under the terms of the resolution, we were ordered to investigate and report back to the Senate the legal method or methods which, if followed, would restore the political rights of Ex-Governor James E. Ferguson lost to him by virtue of the judgment of the State Senate sitting as a Court of Impeachment in 1917.

Our Supreme Court in the case of Ferguson vs. Maddox, 263 S. W., page 888, held that the Senate in an impeachment case is a court of original, final and exclusive jurisdiction and the opinion upholds the validity of the judgment rendered. The committee has been as one in

the view that the power to pardon persons convicted under impeachment proceedings is an attribute of sovereignty and that this power to pardon is lodged originally in the people, because they are the source of all governmental powers. Article 4, Section 11 of our Constitution provides as follows: "In all criminal cases except treason and impeachment he (the Governor) shall have power after conviction to grant reprieves, commutations of punishment and pardons, and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate he may grant pardons in cases of treason and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided that in all cases of remission of fines and forfeitures or grants of reprieves, commutations of punishment or pardon, he shall file in the office of the Secretary of State his reason therefor."

Chief Justice Marshall in *United States vs. Wilson*, 7 Pet., page 159, says, "The Constitution gives to the President in general terms, power to grant reprieves and pardons for offenses against the United States. As this power had been exercised from time immemorial by the executive of that nation, whose language is our language and to whose judicial institutions ours bears a close resemblance * * * a pardon is an act of grace proceeding from the power entrusted in the execution of the laws." It has been urged by respectable authority that in the nature of things, the pardoning power belongs exclusively to the executive department, and that any other department of government may not exercise this power because of the constitutional rule that no department of the government shall exercise any power properly attached to another. In any event, the people of Texas bearing in their hands all sovereign power expressly chose the executive department as the receptacle for the pardoning power, but they expressly reserved the power to pardon in cases of treason and impeachment. In the case of treason they provided that the chief executive might exercise it with the advice and consent of the State Senate. It is thus seen that the people empowered the Senate, a part of the legislative depart-

ment, to act with the Governor in the pardoning of persons found guilty of treason, but no expression is given indicating what agent or agencies may pardon in impeachment cases. The question then occurs, did the people intend that the pardoning power which they expressly withheld from the executive department should vest in the legislative department. I am not unaware of the well grounded rule that the Legislature may enact such laws as are not expressly, or by necessary implication forbidden by the Constitution. It is true that the Constitution does not expressly forbid the Legislature to grant reprieves or pardons in impeachment cases, but in my opinion there is a strong implication that they forbade the Legislature, or any other department, from exercising such power, because when they were dealing with the general subject of pardoning they expressly excepted this power from the executive department of the government, and after reserving it, provided no means for the use of such power by any agency or department. In my opinion it would require an expressed delegation to overcome the force of this expressed reservation. That the expressed withholding of this power from the executive, the department selected to pardon generally, is equivalent to a withholding from either the legislative or judicial departments. Accordingly, I am of the opinion that the power to pardon in such a case has never been committed to any governmental agency whatever, and that the same yet reposes in the people who created our government; and that an expression from them through the form of a constitutional amendment is the only legal method by which this pardoning power may be exercised; and I respectfully recommend such a procedure to the Senate.

Respectfully submitted,

LLOYD E. PRICE,

Member of the Committee.

The two above reports were read, and Senator Price moved that both reports be printed in the Journal and that the consideration of the reports be set as a special order for next Tuesday afternoon at 2 o'clock.

The motion was adopted.

S. B. No. 144—Re-referred.

Senator Bailey moved that S. B. No. 144 be withdrawn from committee on

Civil Jurisprudence and referred to Committee on Public Printing.

The motion was adopted.

Senate Simple Resolution No. 30.

By Senator Bailey:

Resolved by the Senate, The authors of the majority and minority reports on Senate Simple Resolution No. 16 be, and they are hereby requested and directed by the Senate to file in support of such reports with the Secretary of the Senate any and all authorities they may have found, and that same be printed in the Journal.

The resolution was read and adopted.

Bills and Resolutions.

By Senator Woodward, et al:

S. B. No. 252, A bill to be entitled "An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceedings, a full and unconditional release of any and all acts and offences of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office of honor, trust or profit under the State of Texas, and declaring an emergency."

When S. B. No. 252 was read, Senator Woodward moved that the bill be referred to Committee on State Affairs, and Senator Price moved, as a substitute, that the bill be referred to Committee on Civil Jurisprudence.

The substitute motion was lost.

The motion to refer to Committee on State Affairs was adopted.

By Senator Parnell:

S. B. No. 253, A bill to be entitled "An Act to authorize the commissioners' Court of Wichita County, Texas, to contract and agree with the proper authorities of the State of Oklahoma for the construction of a public bridge across Red River at some point on the north line of Wichita County, Texas, and to authorize said commissioners' court of Wichita County, Texas, out of the road and bridge funds of said county to pay not more than twenty-five per cent of the cost of construction and maintenance, and to authorize the issuance of bonds or warrants for said purpose and to provide that the said bridge, when constructed, shall be a part of the public highways of the

State of Texas, and to authorize the appropriation of funds by the said Highway Commission to aid in the construction and maintenance thereof, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Parnell:

S. B. No. 254, A bill to be entitled "An Act to authorize the commissioners' court of Wilbarger County, Texas, to contract and agree with the proper authorities of the State of Oklahoma for the construction of a public bridge across Red River at some point on the north line of Wilbarger County, Texas, and to authorize said commissioners' court of Wilbarger County, Texas, out of the road and bridge funds of said county to pay not more than twenty-five per cent of the cost of construction and maintenance, and to authorize the issuance of bonds and warrants for said purpose and to provide that the said bridge, when constructed, shall be a part of the public highways of the State of Texas, and to authorize the appropriation of funds by the said Highway Commission to aid in the construction and maintenance thereof, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Stuart:

S. B. No. 255, A bill to be entitled "An Act to amend Section 1 of House Bill No. 535, Chapter 155, of the General Laws of the State of Texas, passed by the Thirty-eight Legislature at its Regular Session; fixing the rate of speed for motor vehicles upon the public highways of the State, and within the corporate limits of any of the incorporated cities or towns, and within the boundaries of towns and villages not incorporated; prescribing penalties for violations of this Act; repealing all laws or parts of laws in conflict with its provisions, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Stuart, by request:

S. B. No. 256, A bill to be entitled "An Act to provide for the issuance of oil and gas leases on University land and continuing in force all other laws relating to the issuance of oil and gas permits and development of oil and gas on University lands, except such laws and parts of laws as may conflict

with this Act, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Smith:

S. B. No. 257, A bill to be entitled "An Act creating the Roby Independent School District in Fisher County, Texas, setting forth the metes and bounds of such district, providing a board of trustees therefor, and defining their powers; vesting such district with the rights, powers and duties of districts incorporated for free school purposes only under the General Laws of the State of Texas; providing for an election to assume the outstanding bonds of the present Roby Independent School District; providing for the authority to change the boundary lines of such district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Smith:

S. B. No. 258, A bill to be entitled "An Act to create the Anson Independent School District, incorporated under the General Laws; providing a board of trustees therefor, vesting said Anson Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all contracts, bonds or other valid indebtedness and tax levies of the present Anson Independent School District, as the subsisting obligations and acts created by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory here by incorporated, as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Reid by request:

S. B. No. 259, A bill to be entitled "An Act amending Chapter 6, Section 1, pages 7 and 8 of the laws passed at the Regular Session of the Thirty-seventh Legislature, by extending for a period of five years from the date of the permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University lands and public school land, which were unsold on February 1, 1921, and fresh water lakes and islands therein which had not expired on February 1, 1921,

and extending for a period of ten years from the date of the permit on the same conditions, all permits to prospect for oil and gas heretofore issued on river beds or channels, which have not expired when this Act goes into effect, and extending for like periods and on like conditions, all permits to prospect for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect, on islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State of Texas within tide-water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits had expired on February 1, 1921, but on which the drilling of a well or wells had been begun in good faith or with reference to which permits and the right of the owner of the same to the possession of the area included therein bona fide litigation had existed during the whole or a part of the term of the permit, providing that said permits are extended on the conditions stated in said Act as here amended, so that said Section 1 of said Act shall hereafter read as follows, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Berkeley:

S. B. No. 260, A bill to be entitled "An Act to amend Section 1, Chapter 12, Special Laws of the Thirty-eighth Legislature, Third Called Session, being entitled 'An Act creating the Imperial Independent School District in Pecos County, Texas; defining its boundaries; providing for a board of trustees; conferring upon said district the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State on independent school districts and the board of trustees thereof; providing for the division of the funds and taxes held by and due to Buena Vista Independent School District; and declaring an emergency,' so that the said above recited section shall hereafter read as herein set out; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 261, A bill to be entitled "An Act amending Article 726 of

the Code of Criminal Procedure of 1911, so as to vest in the trial judge authority to determine whether severance shall be granted in cases where defendants are jointly or severally indicted, and repealing Article 727 of the Code of Criminal Procedure, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wood:

S. J. R. No. 8, A joint resolution "Proposing to amend Section 4 of Article 15 of the Constitution of the State of Texas by adding thereto a method of procedure in removing disabilities of any person removed from office in this State by impeachment proceedings and restoring to such person the right to hold public office."

Read first time and referred to Committee on Constitutional Amendments, and later withdrawn and referred to Committee on State Affairs.

By Senator Holbrook:

S. J. R. No. 9, A joint resolution relating to the amending of Article 16, Section 58, of the Constitution of the State of Texas, abolishing the Board of Prison Commissioners; providing for the supervision and management of the prison system, under such laws as may be provided for by the Legislature.

Read first time and referred to Committee on Constitutional Amendments.

Morning call concluded.

Message from the House.

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 108, A bill to be entitled "An Act creating the Jarrell Common School District No. 12 in Nueces County, Texas, by redefining the boundaries of and adding to said Jarrell Common School District certain territory lying north of and adjacent to Jarrell Common School District, and now embraced in the Petronila Common School District No. 7 in Nueces County, Texas, and providing that the entire Jarrell Common School District No. 12 as herein created, may, by an election held for that purpose, assume and

become liable for all legal indebtedness properly chargeable to that portion of said district formerly belonging to Petronila Common School District No. 7, and provided for by the provisions of this Act; and providing for the issuance of bonds and the levy of a tax therefor, and providing for levy of maintenance tax for support of the public schools within said district as authorized under the General Laws of this State; continuing in office the present trustees until the next regular trustee election, providing for election of trustees and conferring upon said trustees all the rights, powers, duties and authority conferred upon common school district trustees by the General Laws of Texas; validating all bonds heretofore issued and all tax heretofore voted; repealing all laws in conflict herewith in so far as the conflict with this Act, and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act creating the Ben Bolt Independent School District in Jim Wells County, Texas; defining its boundaries, providing a board of seven trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Laws for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes; authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in the election for county board members, and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act creating the Palito Blanco Independent School District in Jim Wells County, Texas, defining its boundaries, providing a board of five trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Laws for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collecting of taxes for

certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in the election for county board members, and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act to repeal Section 506 of Chapter 5, Title 14, Revised Statutes of 1911, and declaring an emergency."

S. B. No. 186, A bill to be entitled "An Act repealing Section 1 to 14, both numbers inclusive, of Chapter 115 Special Laws enacted by the Regular Session of the Thirty-third Legislature, approved March 31, 1913, and Chapter 114, Acts Thirty-fifth Legislature 1917, same being an Act creating more efficient road system for Zavalla County, Texas; adopting for said county the General Laws of the State in relation to the issuance of bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; validating Road District No. 4 and bond elections heretofore held, and declaring an emergency."

S. B. No. 112, A bill to be entitled "An Act to amend Sections 14 and 15 of Senate Bill No. 4, passed at the Second Called Session of the Thirty-first Legislature, the same being entitled, 'An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature shall avail their depositors of protection provided for by this Act, either by the depositors' guaranty fund or by bond, at their option; providing that all national banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this Act; providing that banks incorporated by special Act of the Legislature of the State of Texas may voluntarily, on certain conditions,

protect their depositors under this Act; providing that private banks may voluntarily avail their depositors of the protection by bond provided by this Act; amending Sections 39, 50, 56 and 44 Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulation and safeguards for the protection of depositors and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this Act, and declaring an emergency"; the said Sections 14 and 15 of said Senate Bill No. 4 being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, providing that State banks or State bank and trust companies that have elected to do business under the Guaranty Fund Law, as provided by said Senate Bill No. 4, shall have the right by giving and filing the bond provided for under said Sections 14 and 15 of said Senate Bill No. 4, the same being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, to cease doing business as guaranty fund banks and thereafter to do business and come under the provisions of the Bond Security System of said Senate Bill No. 4, and providing for the return to such bank or bank and trust company its unused pro rata part of the guaranty fund as is now provided in the event of voluntary liquidation under Section 14 of said Senate Bill No. 4, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act exempting from taxation institutions or organizations such as the Boy Scouts of America or local organizations of such a boy; and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act creating an additional district court for Dallas County, defining its jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations;

prohibiting the employment of children under seventeen years of age to labor in certain occupations; prohibiting the sending of children under seventeen years of age to certain places; limiting the hours of labor for children under fifteen years of age; providing for permits to be issued by the county judge for children between the ages of twelve and fifteen years to labor in certain occupations and under certain conditions; requiring employers employing children between the ages of twelve and fifteen to secure and post permits where a child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics, or his deputies or inspectors, free access to all places where children or minors are employed; providing penalties for violations of the Act, and repealing all laws and parts of laws in conflict with the Act, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act amending Article 6267 of the Revised Civil Statutes of 1911 as amended, and amending Chapter 2, Title 105, Revised Civil Statutes of 1911, by inserting therein Article 6267a, said articles relating to pensions; authorizing and directing the collection of the increased amount of taxes under Section 51 of Article 3 of the State Constitution as amended; amending the statutes so as to conform to the purpose and intent and the authority granted in said section of the Constitution as amended; repealing Chapter 86 of the General Laws of the Regular Session of the Thirty-sixth Legislature and all laws and parts of laws in conflict with this Act; providing the rule of construction in event any part of this Act should be held to be invalid, and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act authorizing the sale to the United States of America of the American Legion Memorial Sanatorium of Texas, owned by the State of Texas and situated near the town of Kerrville, in Kerr County, Texas,

including lands, buildings, improvements, equipment and regulating the price at which same shall be sold; providing the proper portion of the funds realized from such sale shall be placed in the State Treasury and making proper disposition of the remainder; authorizing the proper instrument of conveyance to be executed, and declaring an emergency."

The Speaker announces the following committee on the part of the House to arrange for the presentation and acceptance of the Diary of Captain Adolphus Sterne: Johnson, Bedford, McDonald, Sheets, Renfro.

The House refuses to concur in Senate Amendment to House Bill No. 180, and requests the appointment of a Free Conference Committee to adjust the differences. The following committee is appointed on the part of the House: McFarlane, Mankin, Petsch, Loftin, Williamson.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Senate Bill No. 112—House Amendments Concurred in.

Senator Holbrook called up H. B. No. 112, and moved that the Senate concur in the following House amendments:

Amend S. B. No. 112 by inserting after the words "policy of insurance" in Article 491, the words "or bonds of the United States or municipal or district school bonds approved by the Attorney General's Department."

Amend S. B. No. 112 by adding the following after the word "domiciled" on page 3, line 16, "and Commissioner of Banking."

The amendments were read, and Senator Holbrook moved that the Senate concur in the House amendments, which motion was adopted, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent.
Miller. Murphy.
Absent—Excused.
Bledsoe.

Senate Bill No. 183.

The Chair laid before the Senate, on second reading and special order for this hour,

S. B. No. 183, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Senator Davis offered the following amendments, severally, which were read and adopted:

(1) Amend S. B. No. 183, page 13, line 26, by striking out "\$3,000.00" in each instance and inserting in lieu thereof "\$4,500.00" in each instance.

(2) Amend S. B. No. 183, page 15, between lines 24 and 25, by inserting the following:

"Bureau of Communicable Diseases: Director and epedemologist \$2,750.00 for each year; stenographer \$1,500.00 for each year; traveling expenses \$600.00 for each year."

(3) Amend S. B. No. 183, by striking out the following on page 14:

Lines 9, 10, 16, 17, 20, 21, 23, 28 and 29; strike out on page 15 lines 5, 6 and 8.

(4) Amend S. B. No. 183 on page 15, line 27, by striking out "\$2,500.00" in each instance and inserting in lieu thereof "\$500.00" in each instance

On page 16, line 4, by striking out "\$500.00" in each instance and inserting in lieu thereof "\$100.00" in each instance.

On page 16, line 7, by striking out the figures "\$7,000.00" in each instance and inserting in lieu thereof "\$3,400.00" in each instance.

On page 16, line 10, by striking out "\$3,500.00" in each instance and inserting in lieu thereof "\$2,500.00" in each instance.

On page 16, line 13, by striking out "\$500.00" in each instance and inserting in lieu thereof "\$150.00" in each instance.

On page 16, line 14, by striking out "\$900.00" in each instance and inserting in lieu thereof "\$300.00" in each instance.

On page 16, line 17, by striking out

"\$4,000.00" in each instance and inserting in lieu thereof "\$2,000.00" in each instance.

On page 16, line 19, by striking out "\$1,000.00" in each instance and inserting in lieu thereof "\$400.00" in each instance.

On page 16, line 28, by striking out "\$3,000.00" in each instance and inserting in lieu thereof "\$1,500.00" in each instance.

Senator Davis offered the following amendment:

(5) Amend S. B. No. 183, page 10, line 13, by striking out the figures "\$4,500.00" in each instance and inserting in lieu thereof in each instance "\$5,000.00."

On page 10, line 22, by striking out in each instance the figures "\$250.00" and inserting in lieu thereof in each instance the figures "\$325.00."

On page 10, line 9, by striking out the figures "\$3,000.00" in each instance and inserting in lieu thereof the figures "\$5,000.00" in each instance.

And further changing the totals in lines 30 and 31 on page 10 to conform to the amendments.

Senator Wirtz offered the following amendment to the above (amendment No. 5):

Amend the amendment by striking out all of line 8 and 9 on page 10.

The amendment to the amendment was lost, and the amendment was adopted.

Senator Davis offered the following amendment, which was read and adopted:

(6) Amend S. B. No. 183, by inserting on page 14 between lines 8 and 10 the following:

"Four division field supervisors \$10,000.00 for each year."

Between lines 19 and 21, page 14, insert the following:

"Inspector \$1,800.00 for each year."

On page 16, after line 32, insert the following:

"Maternity home enforcement officer \$1,800.00 for each year."

Senator Davis offered the following amendment:

(7) Amend S. B. No. 183, page 53, line 20, by striking out in each instance the figures "\$312,409.38" and inserting in lieu thereof in each instance "\$291,409.38."

The amendment was adopted.

Senator Davis offered the following amendment:

(8) Amend S. B. No. 183, page 30, line 31, by inserting after the word "State" at the end of said line the following:

"For enforcement of fish laws, distribution and propagation of fish and the salvaging of stranded fish."

The amendment was read and adopted.

Senator Davis offered the following amendment:

(9) Amend S. B. 183, page 54, by inserting between lines 6 and 7 on said page the following:

Penitentiaries.

The proceeds of all convict labor on farms and elsewhere, the proceeds of all manufactured products, all farm products, and all other proceeds of the penitentiary system and of all other sources connected therewith, or so much thereof as may be necessary, are hereby appropriated for the maintenance and support of the penitentiary system, including buildings, farms and improvements and repairs on same for the years ending August 31, 1926, and August 31, 1927, out of which fund shall also be paid any indebtedness of said system not otherwise provided for by specific appropriations, as well as the expenses attached to conveying convicts to the penitentiaries and farms. Said funds shall be deposited with the State Treasurer and paid out as provided in Article 6188 and Article 6192 of the Revised Civil Statutes of 1911. The Prison Commission shall cause to be made on the first of each month a detailed statement of all receipts from whatever sources during the preceding month, together with statement in detail of all disbursements for any purpose whatever, and also of all obligations incurred by the commission during said month. Said statement shall also show balances, if any, on hand in bank and in State Treasury; said statement shall be verified by the prison auditor and one copy shall be filed with the Governor, one with the Comptroller and one shall be filed in the office of the Prison Commission.

Section 2. There is also appropriated out of the general revenue of the State the sum of thirty thousand (\$30,000.00) dollars to be applied in full settlement and satisfaction of three certain notes in the principal sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, executed by the Board of Prison Commissioners in part payment for the properties known as the

Fort Bend Cotton Oil Company's cottonseed oil mill and oil mill properties at Richmond, in Fort Bend County, Texas, same to be paid to the Houston National Exchange Bank of Houston, Texas, upon warrants drawn upon the Treasury by the Comptroller of Public Accounts, but only upon surrender to the Comptroller of Public Accounts with payment receipted for in full, of said notes and upon dismissal at plaintiff's costs in all the courts in the case of Houston National Bank vs. J. A. Herring, et al, No. 95,712, heretofore in the district court of the Eightieth Judicial District, Harris County, Texas, and upon release or relinquishment executed by the Board of Prison Commissioners to said Houston National Exchange Bank, of all right, title and interest of the State and the Board of Prison Commissioners in and to said oil mill properties and upon written release and relinquishment, prepared and approved by the Attorney General, executed by said Houston National Exchange Bank, and delivered to the Comptroller of Public Accounts, of any and all claims or demands of whatsoever kind or character by said Houston National Exchange Bank with respect to said notes and properties.

Section 3. Provided, however, that no money herein or hereby appropriated except that which is provided for in Section 2 of this bill, shall ever be used in, applied to, available for the payment of those three certain alleged notes or any part of same in the principal sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, claimed to have been executed by the Board of Prison Commissioners in an alleged purchase by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company of the Fort Bend Cotton Oil Company's cottonseed oil mill properties at Richmond, Fort Bend County, Texas, nor in payment of any court costs accrued or accruing in the case of Houston National Exchange Bank vs. J. A. Herring, et al, No. 95,712 brought by the Houston National Exchange Bank in the district court of the Eightieth Judicial District, Harris County, Texas, to enforce the payment of said notes; nor used in, applied to or available for the payment of or in any way upon that certain

note in the sum of \$39,000.00 payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in part payment for certain mules and horses purchased by the Board of Prison Commissioners for the use and benefit of the State of Texas from said Bassett Blakely in January, 1921; and the Board of Prison Commissioners is expressly prohibited from making any payment, settlement, trade or transaction whatsoever with respect to said notes or any debt, claim or demand whatsoever concerning same."

Amend the recapitulation accordingly so that between lines 17 and 18 on page 57 there should be inserted the following:

"State Penitentiary, \$30,000.00" (one year only) and increase the total stated on page 57 to the extent of \$30,000.00.

The amendment was read and adopted.

Senator Fairchild offered the following amendment, which was read and adopted:

Amend S. B. 183, page 42, line 29, by striking out the figures \$4200.00 in each instance and inserting in lieu thereof, in each instance, \$3600.00.

Senator Wood offered the following amendment:

Amend S. B. No. 183, page 14, by inserting between the lines 24 and 25, the following:

"Bureau of Child Hygiene."

"That acting strictly in accordance with the terms and provisions of House Bill No. 103 passed by the Thirty-eighth Legislature at its Regular Session entitled 'An Act in the interest of maternity and infancy welfare and hygiene,' the State Board of Health is authorized and directed to co-operate with the Federal Children's Bureau in the administration of an Act of Congress commonly known as the 'Sheppard-Towner Act' and in such co-operation to expend the sums of money appropriated by the Federal Government and by this Act for such purposes, according to the following schedule for the fiscal years beginning September 1, 1925, and September 1, 1926, and ending August 31, 1927.

And there is appropriated for such purposes by this Act out of the General Revenue Fund of the State of Texas, the sum of \$36,450.52 for the fiscal years ending August 31, 1926, and the sum of \$36,450.52 for the fiscal year ending August 31, 1927 and conditioned upon the appropriation of like sums from the Federal Government for such purposes, itemized as follows:

	For the years ending	
	August 31, 1926	August 31, 1927
Supervisory nurse	\$ 2,100.00	\$ 2,100.00
Traveling expenses, director.....	900.00	900.00
Traveling expenses, supervisory nurse.....	1,500.00	1,500.00
Two itinerant nurses.....	3,600.00	3,600.00
Traveling expenses	2,000.00	2,000.00
Chief stenographer	1,500.00	1,500.00
Filing Clerk	1,500.00	1,500.00
Two stenographers	2,400.00	2,400.00
Maternity Home supervisor.....	1,800.00	1,800.00
Traveling expenses	1,200.00	1,200.00
Ten Nurses	15,000.00	15,000.00
Printing and publishing.....	500.00	500.00
Postage	500.00	500.00
Stationery and office.....	600.00	600.00
Telephone and telegraph.....	200.00	200.00
Silver nitrate	500.00	500.00
Contingent	650.52	650.52
Total	\$36,450.52	\$36,450.52

Pending.

On motion of Senator Wirtz the further consideration of S. B. No. 183 was postponed until Monday, morning, the bill being made a spe-

cial order immediately following the conclusion of the morning call.

S. J. R. No. 8 was withdrawn from the Committee on Constitutional Amendments and referred to Committee on State Affairs.

Senator Parr moved that S. B. No. 134 be made a special order for Tuesday morning at the conclusion of the morning call. Senator Bowers moved, as a substitute, that the bill be made a special order for Tuesday week. Both motions were lost.

House Bills on First Reading.

The following House Bills were laid before the Senate, read severally first time, and referred to appropriate committees:

H. B. No. 24, referred to Committee on State Affairs.

H. B. No. 57, referred to Committee on Judicial Districts.

H. B. No. 161, referred to Committee on Labor.

H. B. No. 180, referred to Committee on State Affairs.

H. B. No. 194, referred to Committee on Finance Committee.

H. B. No. 230, referred to Committee on Finance.

H. B. No. 80, Free Conference Committee Appointed.

Senator Pollard moved that the Senate grant the request of the House for a free conference committee on H. B. No. 80.

The motion was adopted.

In accordance with the above motion, the Chair, Lieutenant Governor Barry Miller, announced the appointment of the following committee on part of the Senate:

Senators Pollard, Wood, Floyd, Wirtz and Hardin of Erath.

Recess.

On motion of Senator Holbrook the Senate, at 12 m, recessed until 2:30 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller

Senate Simple Resolution No. 32.

By Senator Bailey:

Resolved, That the Secretary of State be, and he is hereby directed to deliver to each of the judges of the court of criminal appeals and the clerk of the said court, for official use, a copy of the proposed new codification of the Penal Code and Code of Criminal Procedure and laws amendatory thereof.

The resolution was read and adopted.

Senate Bill No. 134.

On motion of Senator Parr S. B. No. 134 was made a special order for

Thursday morning following the conclusion of the morning call.

Senate Bill No. 169.

The Chair laid before the Senate, on third reading,

S. B. No. 169, A bill to be entitled "An Act to provide for the organization and government of Water Control and improvement Districts and in accordance with the provisions of Section 52 of Article 3 of the Constitution, etc."

The bill was read third time and passed finally.

Senate Bill No. 181.

The Chair laid before the Senate, on third reading,

S. B. No. 181, A bill to be entitled "An Act declaring that Tarrant County Water Improvement District No. 1 has heretofore been duly and regularly established as a defined water improvement district in accordance with the provisions of Chapter 87, Acts of the Thirty-fifth Legislature and Acts additional thereto or amendatory thereof; defining the boundaries of said district; granting said district a special law for its local government; defining its powers; prescribing its duties and liabilities; providing for the election of directors of said district and vesting in them the management and control of all the business and property of said district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 35.

The Chair laid before the Senate, on second reading,

S. B. No. 35, A bill to be entitled "An Act to amend Article 6901a of Chapter 1, Title 1119 of the Revised Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, being an Act to change the designated year upon which is based the assessed valuations of taxable property affected by the Act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 130.

The Chair laid before the Senate, on second reading,

S. B. No. 130, A bill to be entitled "An Act to amend Article 4186, Revised Civil Statutes of the State of Texas of 1911, relating to filing of accounts by guardians and furnishing certified copies thereof in certain cases, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 132.

The Chair laid before the Senate, on second reading,

S. B. No. 132, A bill to be entitled "An Act fixing the compensation of the official shorthand reporters in the Thirtieth, Seventy-eighth and Eighty-ninth Judicial Districts, of Wichita, Archer and Young Counties, Texas, prescribing the method of payment, and declaring an emergency."

Senator Bowers offered the following amendment:

1. Amend S. B. No. 132, line 14, as follows:

After the words "seventy-eight" add a comma," and the following between said comma and the word "and": "twenty-first", and by adding the word "seventy-eighth" in line 20 and before the word "and" in line 21, the following, "twenty-first."

2. Amend S. B. No. 132, page 1, line 25, as follows:

After the words "seventy-eighth" add the following: a comma, and "twenty-first."

3. Amend the caption of S. B. No. 132 after the word "Texas," in line 9, the following:

"And in the Twenty-first Judicial District, composed of Burleson, Lee, Washington and Bastrop Counties."

On motion of Senator Bailey the bill was laid on the table subject to call.

Senator Wood offered the following proposed amendments to S. B. No. 132:

Amend the caption of Senate Bill No. 132, line 9, by adding after the word "Texas," the following "Twenty-second, Twenty-fifth and Fifty-third Judicial Districts of Texas, and the Criminal District Court of Travis County."

Amend S. B. No. 132, lines 15 and 20, by adding after the words "District of Texas," the words "Twenty-

second, Twenty-fifth, and Fifty-third Judicial Districts of Texas, and the Criminal District Court of Travis County, Texas."

Senate Bill No. 133.

The Chair laid before the Senate, on second reading,

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of Chapter 16, being an Act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Chapter 58, being an Act of the Regular Session of the Thirty-sixth Legislature, 1917, as amended by Section 1, Chapter 139, of the General Laws passed by the Thirty-seventh Legislature, 1921, at its Regular Session, relating to the creation of a juvenile board within certain counties of this State and prescribing the duties and powers of such board including the appointment by it of probation officers and providing for the payment of compensation of such officers and allowing the said district judges an additional salary to be paid out of the general fund of such county, so as to make such Act to apply to counties containing a city of 40,000 inhabitants or over, and declaring an emergency."

The bill was read, and

Senator Wood offered the following amendment:

Amend S. B. No. 133 by striking out all above the enacting clause, and substitute the following:

"An Act to amend Sections 1, 2 and Section 5 of Chapter 16, Acts of the Regular Session of the Thirty-fifth Legislature as amended by Chapter 58, Acts of the Regular Session of the Thirty-fifth Legislature constituting the judges of district courts and county judge of counties of certain population a juvenile board of such county and prescribing the powers and duties of such board, including the appointment by it of probation officers and providing for the payment of compensation for such officers and allowing the said district judges an additional salary to be paid out of the general fund of such county; providing for the fixing of such additional salary by the commissioners' court of such counties, and declaring an emergency."

The amendment was read and adopted.

Senator Wood offered the following amendment, which was read and adopted.

Amend S. B. No. 133 by striking out all after the enacting clause, and substitute the following:

Section 1. That Sections 1, 2 and 5 of Chapter 16, Acts of the Regular Session of the Thirty-fifth Legislature as amended by Chapter 58, Acts of the Regular Session of the Thirty-fifth Legislature be amended and the same is hereby amended so as to hereafter read as follows:

Section 1. In any county of this State having a population of fifty thousand or over, or containing a city having a population of thirty thousand or over according to the United States census of 1920 and having two or more district courts, the judges of the several district courts of said county together with the county judge of such county are hereby constituted a juvenile board for such county.

Section 2. Said board shall have authority to appoint one or more, not exceeding six, discreet persons of good moral character to serve as probation officers during the pleasure of said board. Such officers shall be paid such salary per month as said board may recommend and the commissioners' court of such county may authorize, not to exceed \$200 per month. Such probation officer shall have authority, and it shall be his duty, to make investigation of all cases referred to him as such by such board, to be present in court, and to represent the interests of the child when the case is heard, and to furnish to the court and such board such information and assistance as such board may require, and to take charge of any child before and after the trial, and to perform such other services for the child as may be required by the court or said board.

Section 3. Such board shall hold regular or special meetings in accordance with the rules which it may prescribe, and at intervals of not less than once in every three months, and shall keep such records as it desires, and shall hear and consider such facts as may be brought to its attention, under such rules as it may prescribe, concerning the welfare of any child in such county or under the jurisdiction of any of its courts, and in the event such child has been adjudged to be dependent, neglected or delinquent, by any of the courts of such county, it may make to the court or person having custody of such child, or if such child has been

adjudged guilty of any crime, then to the Board of Pardons and Governor, such recommendation in writing as it may think proper concerning the care and custody of such child.

Section 4. Such board shall neither have nor exercise judicial power nor function; but in the event such board desires to make inquiry as to whether the child should be adjudged either dependent, neglected or delinquent, it shall have power to direct one of the probation officers of said board to file complaint against such child in some one of the courts of such county having jurisdiction to hear and determine such complaint, and such board or the members thereof may be present at such hearing, either in person or by one or more of its probation officers, and make such inquiry concerning such child as may be proper under the established rules of procedure in such court.

Section 5. From and after the passage of this Act, the salary of each of the judges of the district courts of such county shall be not less than \$750.00 and not more than \$1500.00 in addition to that paid the other district judges of the State, said additional salary to be paid monthly out of the general funds of such county upon order of the commissioners' court, the amount of such additional salary to be fixed by the commissioners' court at any amount not less than \$750.00 nor more than \$1500.00 hereinbefore provided.

Section 6. The fact that in many counties in this State a juvenile board such as provided for is greatly needed, and the work of the various juvenile courts is greatly increased, and no adequate system is provided for this highly important work creates an emergency and an imperative public necessity requiring that the constitutional rule that bills shall be read on three several days be suspended and the same is hereby suspended and this law shall be in effect from and after its passage and it is so enacted.

The bill was then passed to engrossment.

Senate Bill No. 123.

The Chair laid before the Senate, on second reading,

S. B. No. 123, A bill to be entitled "An Act to create a lien in favor of any person, firm or corporation who

may furnish any material, apparatus, fixtures, machinery or labor, to contractors who contract for public improvements, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 160.

The Chair laid before the Senate, on second reading,

S. B. No. 160, A bill to be entitled "An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said court and the other courts of this State so as to expedite the dispatch of business therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules, and to repeal such statutes of procedure as may be in force when such rules go into effect."

The bill was read second time and laid on the table, subject to call.

Senate Bill No. 218.

The Chair laid before the Senate, on second reading,

S. B. No. 218, A bill to be entitled "An Act to repeal Chapter 50 of the Local and Special Laws of the Regular Session of the Thirty-eighth Legislature, which said Act become effective the fourth day of April, 1923, and which said Act created a special road system for Fayette County, Texas, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 227.

The Chair laid before the Senate, on third reading,

S. B. No. 227, A bill to be entitled "An Act to amend Chapter 55, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Briggs Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Parnell.
Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.

Absent.

Murphy.	Wirtz.
Russek.	Witt.

Absent—Excused.

Bledsoe.

Senate Bill No. 216.

The Chair laid before the Senate, on third reading,

S. B. No. 216, A bill to be entitled "An Act to amend Chapter 28, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Oak Alla Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Parnell.
Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Witt.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.

Absent.

Murphy.	Smith.
Russek.	Wirtz.

Absent—Excused.

Bledsoe.

Senate Bill No. 154.

Senator Woodward called up, and The Chair laid before the Senate, on second reading,

S. B. No. 154, A bill to be entitled "An Act to amend Article 790 of the Code of Criminal Procedure of 1911 of the State of Texas by omitting therefrom the following: 'Providing that where there are two or more persons jointly charged or indicted, and a severance is had, the privilege of testifying shall be extended only to the person on trial.'"

There had been an amendment to the adopted, and the vote by which the amendment was adopted was reconsidered.

Senator Strong then withdrew a pending amendment to the amendment, and

The amendment was withdrawn.

The bill was then passed to engrossment.

House Bill No. 160.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 160, A bill to be entitled "An Act to create the Muleshoe Independent School District in Bailey County, Texas, etc."

The committee report, with amendments, was adopted,

The bill was read second time and passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 160 put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Floyd.	Reid.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.

Absent.

Fairchild.	Russek.
Murphy.	Wirtz.

Absent—Excused.

Bledsoe.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Parr.	Wood.
Moore of Cooke.	Woodward.
Parnell.	

Absent.

Fairchild.	Russek.
Murphy.	

Absent—Excused.

Bledsoe.

Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 7.
S. B. No. 67.
S. B. No. 82.
S. B. No. 112.
S. B. No. 114.
H. B. No. 116.

Adjournment.

On motion of Senator Wood, the Senate, at 3:20 o'clock p. m. adjourned until 10 o'clock Monday morning.

APPENDIX.**Committee Reports.**

(Floor Report.)

Senate Chamber,

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Printing, to whom was referred S. B. No. 144, A bill to be entitled "An Act amending Chapter 51, Acts of the Regular Session of the Thirty-

eighth Legislature regulating publications in newspapers inserted by public officers, agents and agencies; prescribing the rate of charge thereof, fixing the price to be charged for political advertising; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Moore of Cook, Russek, Pollard, Hardin of Erath, Fairchild, Hardin of Kaufman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 227, A bill to be entitled "An Act to repeal Chapter 95, Special Laws, Thirty-eighth Legislature, entitled 'An Act to provide an efficient system of road maintenance in Upshur County, and declaring an emergency.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed."

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 59, A bill to be entitled "An Act amending Section 1 of Chapter 167, Act of March 30, 1917, and being Article 342 of Title 13, Chapter 1 of the Revised Statutes of Texas, relating to the appointment of an assistant district attorney in certain districts, his qualifications, bond and oath of office, powers and duties, and his tenure of office."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 244, A bill to be entitled "An Act conferring upon the board of directors of the Agricultural and Mechanical College of Texas the right of eminent domain, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 160, A bill to be entitled "An Act to create the Muleshoe Independent School District in Bailey County, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 192, A bill to be entitled "An Act providing for permanent first grade certificates; providing for the employment of teachers who have been engaged ten years in teaching a special subject, without requiring that they have certificates; providing for the issuance of emergency certificates; providing for the issuance of permits to teach grades; making this Act cumulative of other laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 214, A bill to be entitled "An Act creating and incorporating Center Independent School District No. 5, in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and issue bonds; providing for an assessor and collector of taxes and for a board of equalization; providing that the Center Independent School District shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1, in Hockley County, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that all property now vested in Ropes Independent School District No. 1, with its metes and bounds of Center Independent School District shall on the passage of this Act vest in Center Independent School District No. 5, as herein created; provided for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the General Laws of Texas relating to independent school districts in matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provisions of this Act shall not invalidate any remaining part or provision, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Berry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 165, A bill to be entitled "An Act creating and incorporating Dixie Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 18 of Lynn County as heretofore created by the county board of school trustees of said county; de-

fining boundary thereof; providing for a board of trustees; their election, terms of office, qualification powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Dixie Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 18 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal of said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section of provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Berry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 209, A bill to be entitled "An Act to create the Letts Common School District No. 10 in Hall County, Texas, including therein territory included in the present Bridle Bits Common School District and Wolfe Flat Common School District in Hall County, Texas; providing board of trustees therefor; vesting said common school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts organized under the General Laws of Texas; providing for a board of trustees for

the said district to serve until the time for the next election for school trustees in common school districts as provided by General Laws; authorizing the said Letts Common School District to hold an election to determine whether or not the said district shall assume and make provision for the payment of the outstanding bonded indebtedness of the territory incorporated herein and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 196, A bill to be entitled "An Act to amend H. B. No. 170, Chapter 22 of the local and special laws passed by the Thirty-eighth Legislature, wherein the Higgins Independent School District was created containing certain land and premises situated in Lipscomb County, Texas, providing that the trustees of the district continue in office and that the trustees be seven in number; that the maintenance tax and bonds hereafter voted are hereby validated and shall remain in full force and effect, conferring upon said district and its officers all right, power, privilege and duties now conferred and imposed by the General Laws of the State upon independent school districts and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 235, A bill to be entitled "An Act creating and incorporating Clauene Independent School District in Hockley County, Texas, defining the

boundaries thereof; providing for a board of trustees, their election, term of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and for a board of equalization; providing that the Clauene Independent School District No. 6, shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1, within the metes and bounds of the said Clauene Independent School District, in Hockley County, Texas; validating and continuing in force all taxes heretofore vested and now in force in said Ropes Independent School District No. 1, providing that title to all property now vested in Ropes Independent School District No. 1, within the boundaries of the Clauene Independent School District No. 6, shall on the passage of this Act, vest in Clauene Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the General Laws of Texas relating to independent school districts in matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provision of this Act shall not invalidate any remaining portion or provision, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 181, A bill to be entitled "An Act to amend Section 2, Chapter 99 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled an Act to change the Boundaries of the Wichita Falls Independent School District in Wichita County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 243, A bill to be entitled "An Act creating the Wildorado Independent School District in Oldham County, Texas, providing for a board of trustees in said independent school district and conferring on said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; to provide for the election of trustees, for the raising of revenues, issuing bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 239, A bill to be entitled "An Act creating and incorporating the Eliasville Independent County Line School District lying in the counties of Young and Stephens in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Eliasville County Line District be invalidated, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 240, A bill to be entitled "An Act to amend Chapter 63, Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, same being an Act creating the Dixon Independent School District in Hunt County, Texas, by redefining its boundaries and by adding thereto Sections 2a, 2b, 2c, and 2d, authorizing said Dixon Independent School District to issue bonds under the provisions of the General Law for the purpose of providing funds to be expended in payment of accounts legally contracted in constructing and equipping free school buildings in said district, or for the purpose of purchasing, constructing, repairing or equipping public free school buildings within the limits of said district and the purchase of the necessary sites therefor; validating bond issue for said purposes heretofore authorized by a majority of the property taxpaying voters of said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 242, A bill to be entitled "An Act creating the Vega Independent School District in Oldham County, Texas; providing for a board of trustees in said independent school district and conferring on said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; to provide for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring

valid a maintenance tax heretofore voted, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 248, A bill to be entitled "An Act to create the Wolfe City Independent School District in Hunt County, Texas, including the present Wolfe City Independent School District of said county, providing for a board of trustees in said district; vesting said independent school district and board of trustees with all the powers, rights, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Wolfe City Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the City of Wolfe City of the control of the public schools of the district, as created by this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 241, A bill to be entitled "An Act creating and incorporating the Silverton Independent School District of Briscoe County, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the General Laws of Texas pertaining thereto, providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein, vesting all lands, buildings,

and all other property now owned and held for free school purposes, by the Silverton Common School District of Briscoe County, Texas, in the Silverton Independent School District of Briscoe County, Texas; providing that all outstanding indebtedness, whether bonded or otherwise, of the Silverton Common School District, shall be validated and held a valid obligation against the Silverton Independent School District, of Briscoe County, Texas; declaring valid a maintenance and bond tax heretofore voted by said Silverton Common School District, and repealing all other Acts and laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 216 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 227 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 181 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 169 carefully examined and compared, and find the same corrected engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 7 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman

Committee Room,
Austin, Texas, Feb. 6, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 182 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 67 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Monday, February 9, 1925.
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Davis.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Kaufman

Holbrook.	Reid.
Lewis.	Russek.
Miller.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Stuart.
Murphy.	Triplett.
Parnell.	Ward.
Parr.	Wirtz.
Pollard.	Wood.
Price.	Woodward.
Real.	

Absent.

Witt.

Absent--Excused.

Hardin of Erath.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Petitions and Memorials.

The Chair laid before the Senate copy of a joint resolution, from the Legislature of Wisconsin, protesting to Congress against taking of water from the Great Lakes; also a communication from XLI Club at Gainesville urging appropriation for the Gainesville Training School.

Reports of Special Committees.

Senator Strong offered the report of the Texas Eleemosynary Commission, provided for by the Thirty-eighth Legislature. (See appendix for the report) it being ordered printed in the Journal.

Senator Fairchild offered the report of Legislative Committee on Forestry, provided for by the Thirty-eighth Legislature. The report was ordered printed in the Journal. (See appendix for the report in full).

Simple Resolution No. 33.

By Senator Murphy:

Resolved, That the House be and it is hereby requested to return S. B. No. 175 to the Senate for further consideration.

The resolution was read and lost by the following vote:

Yeas--13.

Bledsoe.	Murphy.
Fairchild.	Price.
Floyd.	Reid.
Hardin of Kaufman	Strong.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Cooke.	